

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BOBBY JOE GATLIN,
Petitioner,
vs.
STEVE SINCLAIR,
Respondent.

NO. CV-10-3046-CI

**ORDER ADOPTING REPORT AND
RECOMMENDATION RE: ALLOWING FILING
OF FIRST AMENDED PETITION**

Magistrate Judge Imbrogno filed a Report and Recommendation on March May 10, 2011, recommending Petitioner's 1) Motion to Amend, ECF No. 14, be denied with leave to renew within sixty days and 2) Motion for Stay of Proceedings, ECF No. 13, be dismissed with leave to review. ECF No. 22. Objections to the Report and Recommendation were due on May 24, 2011. No objections were filed. Accordingly, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation, ECF No. 22, in its entirety.

2. Petitioner's Motion to Amend, **ECF No. 14**, is **DENIED** with leave to renew. Within **sixty** days of this Order, Petitioner is given leave to file a renewed motion for leave to amend, which must be supported by a proposed first amended petition that identifies why the proposed additional claims are timely and exhausted. And 1) Petitioner must use the provided form Petition for Writ of Habeas Corpus by a Person in

1 State Custody under 28 U.S.C. § 2254 for his proposed first amended
2 petition, and 2) this proposed first amended petition a) must be legibly
3 rewritten or retyped in its entirety, b) may not incorporate any part of
4 the original petition by reference, c) must be clearly labeled "Proposed
5 First Amended Petition" and utilize cause number CV-10-3046-CI, and d)
6 must allege with specificity how and on what grounds the state-court
7 sentence is challenged.

8 3. Petitioner's Motion for Stay of Proceedings, **ECF No. 13**, is
9 **DENIED** with leave to renew if and when a timely renewed motion for leave
10 to amend is filed.

11 4. Petitioner is cautioned that if a timely amended motion for
12 leave to amend (and accompanying proposed first amended petition) is not
13 received, then the magistrate judge will review only the original
14 petition, ECF Nos. 1 & 2.

15 **IT IS SO ORDERED.** The District Court Executive shall 1) forward
16 copies of this Order to the Petitioner and counsel for Respondent, and
17 2) furnish a form Petition for Writ of Habeas Corpus by a Person in
18 State Custody under 20 U.S.C. § 2254 to Petitioner.

19 **DATED** this 31st day of May 2011.

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21 S/ Edward F. Shea
22 EDWARD F. SHEA
23 United States District Judge
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